

Date : 7/7/2022 8:15:16 PM

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Cc : "Mayes, John" John.Mayes@softwareone.com, "Will McNae"
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Subject : [EXTERNAL] Release of NDA

July 7th 2022

Dear SoftwareONE and Michael Fitzgerald,

I am requesting a release from the non-disclosure agreement and any non-disparagement clauses that Michael Fitzgerald, CIO of SoftwareONE, insisted I, Ronda D. McNae, sign on June 15th 2020 in exchange for financial resources to cover expenses related to my intense mental and emotional health counselling required to move forward after the known and reported sexual misconduct.

This agreement was established to conceal details of horrendous and alarming behavior and sexual assaults sandwiched within SoftwareONE's IPO dates: October 14th – November 22nd 2019. I learned from former FBI Agents how to reverse engineer a crime which enabled me to study evidence and timelines and present to law enforcement in Miami, San Francisco, and Redmond.

Mr. Fitzgerald manufactured his identity and misrepresented himself to gain trust and sympathy, only to abuse a work relationship with William J. McNae which allowed Mr. Fitzgerald to gain access to groom and prey on Mrs. McNae.

Michael Fitzgerald even learned of Mrs. McNae's traumatic childhood and requested to have her speak at a future conference for SoftwareONE, in hopes to encourage others in your company. There were two other individuals present when this conversation took place August 2019.

I am requesting a release and termination of this NDA.

1. There are growing concerns about the use NDAs for anything other than the protection of intellectual property (which was not the reason to use an NDA in my case). The campaign Can't Buy My Silence is working with lawmakers in England, Wales, Ireland and Canada to change the law to make NDAs for any other purpose unenforceable. While this will not affect my agreement immediately in the United States, I believe that changes in law and practice mean that it is unconscionable to continue to hold me to this agreement.
2. NDAs have a proven consequence of permitting serial abusers to repeat offences, harassment and abuse of power. This NDA requires me to hide information that others in vulnerable positions need in order to be safe from harassment and abuse.
3. The impact on me of being prevented from speaking about my experience is to worsen the trauma and pain I experienced when I first brought forward my complaint to Microsoft and SoftwareONE prior to signing this agreement, which

SoftwareONE chose to not further investigate.

4. When I signed the settlement agreement, I was not made aware of the many consequences and future implications of the NDA and any non-disparagement clauses. I was made to feel that I “must” sign the NDA while SoftwareONE chose to look the other way. I have since learned that I could have asked for the protection of my privacy without agreeing to protect the identity of the other party and public knowledge of them (“public policy”). As a result, I feel that I did not, nor could not, truly offer informed consent to the NDA. I whole heartedly believe I (Ronda D. McNae) signed this agreement under duress and undue influence.

I have since created a strong army of women who have walked this journey before me including Gretchen Carlson who I actually met with days before her trip to The White House to meet with President Joe Biden to pass the bill ending forced arbitration in the workplace due to sexual misconduct cases similar to mine involving Mr. McNae as a secondary victim.

My story will be brought to light as a tool to educate women, especially those in the workplace where a power differential is always at play. I have interviewed and shared details including police reports with Ashley Stewart from Business Insider who’s recent article brought Microsoft; Alex Kipmans’ conduct to light, Jodi Kantor from NY Times who exposed Harvey Weinstein, San Francisco Chronicle, and Seattle Times.

I have survived my worst nightmare and worked through a period of time where I wanted to end my life because of Mr. Fitzgerald. I hope to use my story as an example of what MUST end. Silence encourages the tormentor, never the tormented.

If I’m the first woman to be sued for breaching an NDA that was only created to protect and serve the abuser, workplace bystanders, and enablers – so be it. I will fight to pressure legislators and institutions to adopt a code of practice that will not allow NDAs and I will educate women on predatory behavior and consent.

I plan to publicly ask to be released from this NDA. Before doing so, I decided to privately ask you first.

Any positive and/or forward change from this request will absolutely be included in my publicly shared story.

I am requesting a response by end of next week, July 15, 2022.

Regards,

Ronda D. McNae